THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13038 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents 1 to 3, in granting licence to the 4th respondent under Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 (for short "the Rules), at Ward No.8 of Markapur Municipality, Prakasam district, is arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is alleged that there is a temple by name Sri Lakshmi Chennakesava Swamy Devasthanam in Ward No.8 of Markapur Municipality, and that the 4th respondent is granted a licence to run a Bar & Restaurant, at a distance of 92 meters from the said temple, which is contrary to Rule 6 (1) of the Rules. It is stated that the petitioner made an application to the respondents 1 to 3, bringing to their notice that grant of licence to the 4th respondent is not in conformity with the statutory rules, however, the respondents 1 to 3 failed to take any action. Hence, this writ petition.

The learned Government Pleader for Prohibition & Excise, who accepted notice for the respondents 1 to 3, under instructions, states that though it is a fact that for the excise year 2005-06, the 4th respondent was granted licence in Form - 2B of the Rules, for running a Bar & Restaurant at premises baring No.8/362, College road, Markapur, the allegation that the said premises was within the prohibited 100 meters from the temple, is not correct. It is further stated that the period of licence had already expired, and for the year 2006-07, no application has been received so far, proposing to locate the Bar & Restaurant in the said premises and, therefore, the question of granting licence in favour of the 4th respondent for the year 2006-07, does not arise. The learned Government Pleader across the Bar also

stated that as and when any application is received from the 4th respondent, or any other person, the same will be considered having due regard to the statutory rules.

The statement of the learned Government Pleader is placed on record, and the writ petition is disposed of with a direction to the respondents 1 to 3, to act strictly in accordance with the statutory rules, particularly rule 6 of the Rules, while considering any application for grant of licence in the locality in question. No costs.

(G. ROHINI, J.)

13th July, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13038 OF 2006

13th July, 2006.

Between:

Bathula Kondaiah. .. Petitioner.

And

Government of Andhra Pradesh, represented by its
Commissioner, Prohibition & Excise,
Hyderabad and three others. .. Respondents.